App. F. IX-4

Previous References.

1948-49
(CB)

File No. 592-CB
Serial Nos. 2

Later References.

GENERAL AND REVENUE SECRETARIAT

Serial Nos. One

Part B for June 1949

SUBJECT

Legislative Council Budget Session. June-July 49
Question no 16 by Sri Thirugaanna (Mysore)
Re Instrument of Accession by Mysore

JDR 2019

Mysore Legislative Council
Budget Session - June 1949.

CNG

Sri M.LINGANNA (Mysore General Rural):

* Q.No. 16 17. Will the Government be pleased to state:-

a) the date when the Instrument of Accession was signed by Mysore (a copy of which may kindly be furnished);

b) who signed it on behalf of the state;

c) the subjects that have been acceded to the Centre as per this instrument?

"Not admissible"?

Submitted

2 While this is technically inadmissible ~~under~~ vide Rule 9 (c) of the Mysore Legislative Rules, Copies of the Instrument of Accession have been published and the information asked for by the Member ~~is~~ would be available to him in publications that have already appeared e.g. Mysore Information Bulletin.

3 As, however, the President has not disallowed the question under Rule 9 (c) and this cannot perhaps be ~~disallowed~~ recommended

M.L.C. Q. No. 16 — Budget Session

6052
E.B.

for disallowance by the Dewan under Rule 14, it is for orders whether answers to the Question may be furnished

Chief Secy) xcmR 4/6/49

4 Dewan orders.

4.6.49

Dewan) 4/6

5 Issue. This is allowed

7/6

Submitted

6 Anx Copy of Instrument of Accession is placed below for kind perusal.

7 Draft replies put up for approval.

Chief Secy) xcmR 10/6/49

8 Approved.

8.6.49

Issue

10/6

xcmR 10/6/49

CHIEF SECRETARY'S OFFICE 1707 10 JUN 1949 GOVT. OF MYSORE

Submitted

10 Reply to the Mysore Legislature has been sent

11 Submitted with reference to para 9 supra.

15/6/49.

15.6.49.

M-L-C Question No (16) Budget Session 1949

General and Revenue Secretariat | File No. | of 194 . 6052/C-B | [App. F. III–2

Serial No.

Reference para 9.

Chief Secy)

9cmR 15/6/49

Chief Minr.)

16

17/6. cimR 17.6.49

CHIEF SECRETARY 1878 16 JUN 1949 GOVT. OF MYSORE

Office of the Chief-Minister

No. C.889

Date of Receipt 17/6/49

Date of Return 23/6

The question has been answered & the file is therefore returned.

Dy.

[29-33]

GOVT. OF MYSORE

Cp. 9cmR 23/6/49

AB

NOTE—Contn. Sheet.

MYSORE LEGISLATIVE COUNCIL

Budget Session - June 19

QUESTIONS.

Q.No.16 - Sri M. Linganna (Mysore General Rural):

(a) The date when the Instrument of Accession was signed by Mysore (A copy of which may kindly be furnished).

(b) Who signed it on behalf of the State?

(c) The subjects that have been acceded to the Centre as per this instrument.

REPLIES.

(a) 9th August 1947 (A copy of the Instrument of Accession is appended)

(b) His Highness the Maharaja of Mysore.

(c) The subjects specified in the ~~appended to the~~ appended Schedule to the Instrument of Accession.

Sd/- Ramakrishnaiya
for Chief Secretary to Government.

For taking 3 copies
office of the Mysore Legislature

Three copies taken & the file returned

10.6.49.

Mysore Legislative Council
Budget Session - June 1949.

Sri H.SIDDAIAH (Mysore General Rural):

Q. 16 ~~27.~~ Will the Government be pleased to state:

a) the date when the Instrument of Accession was signed by Mysore (a copy of which may kindly be furnished);

b) who signed it on behalf of the state;

c) the subjects that have been acceded to the Centre under this instrument?

Replies.

(a) 9th August 1947 (a copy of the instrument of Accession is appended)

(b) H. H. the Maharaja of Mysore

(c) ~~[illegible]~~ The subjects specified in the appended to the Schedule ~~[illegible]~~ appendix.

Instrument of Accession.

11/8/10/6.

Chief Secy to Govt.

scmp
10/6/49

8.6.49.

INSTRUMENT OF ACCESSION OF THE MAHARAJA OF MYSORE.

WHEREAS the Indian Independence Act, 1947, provides that as from the fifteenth day of August, 1947, there shall be set up an independent Dominion known as INDIA, and that the Government of India Act, 1935, shall, with such omissions, additions, adaptations and modification as the Governor-General may by order specify be applicable to the Dominion of India;

And WHEREAS the Government of India Act, 1935, as so adapted by the Governor-General provides that an Indian State may accede to the Dominion of India by an Instrument of Accession executed by the Ruler thereof;

NOW THEREFORE I, Jaya Chamaraja Wadiyar Ruler of the State of Mysore in the exercise of my sovereignty in and over my said State, Do hereby execute this my Instrument of Accession and

1. I hereby declare that I accede to the Dominion of India with the intent that the Governor-General of India, the Dominion Legislature, the Federal Court and any other Dominion authority established for the purposes of the Dominion shall, by virtue of this my Instrument of Accession, but subject always to the terms thereof, and for the purposes only of the Dominion, exercise in relation to the State of Mysore (hereinafter referred to as "this State") such functions as may be vested in them by or under the Government of India Act, 1935, as in force in the Dominion of India on the 15th day of August 1947 (which Act as so in force is hereinafter referred to as "the Act").

2. I hereby assume the obligation of ensuring that due effect is given to the provisions of the Act within this State so far as they are applicable therein by virtue of this my Instrument of Accession.

3. I accept the matters specified in the Schedule hereto as the matters with respect to which the Dominion Legislature may make laws for this State.

4. I hereby declare that I accede to the Dominion of India on the assurance that if an agreement is made between the Governor-General and the Ruler of this State whereby any functions in relation to the administration in this State of any law of the Dominion Legislature shall be exercised by the Ruler of this State, then any such agreement shall be deemed to form part of this Instrument and shall be construed and have effect accordingly.

5. The terms of this my Instrument of Accession shall not be varied by any amendment of the Act or of the Indian Independence Act, 1947 unless such amendment is accepted by me by an Instrument supplementary to this Instrument.

6. Nothing in this Instrument shall empower the Dominion Legislature to make any law for this State authorising the compulsory acquisition of land for any purpose, but I hereby undertake that should the Dominion for the purposes of a Dominion law which applies in this State deem it necessary to acquire any land, I will at their request acquire the land at their expense or if the land belongs to me transfer it to them on such terms as may be agreed, or, in default of agreement, determined by an arbitrator to be appointed by the Chief Justice of India.

7. Nothing in this Instrument shall be deemed to commit me in any way to acceptance of any future constitution of India or to fetter my discretion to enter into arrangements with the Government of India under any such future constitution.

8. Nothing in this Instrument affects the continuance of my sovereignty in and over this State, or, save as provided by or under this Instrument, the exercise of any powers, authority and rights now enjoyed by me as Ruler of this State or the validity of any law at present in force in this State.

9. I hereby declare that I execute this Instrument on behalf of this State and that any reference in this Instrument to me or to the Ruler of the State is to be construed as including a reference to my heirs and successors.

Given under my hand this Ninth day of August, Nineteen hundred and forty-seven.

JAYA CHAMARAJA WADIYAR.

I do hereby accept this Instrument of Accession.
Dated this Sixteenth day of August, Nineteen hundred and forty-seven.

MOUNTBATTEN OF BURMA
(Governor-General of India).

Seal of the Government of India,
Ministry of States.

SCHEDULE.

The matters with respect to which the Dominion Legislature may make laws for this State.

A. Defence.

1. The naval, military and air forces of the Dominion and any other armed force raised or maintained by the Dominion; any armed forces, including forces raised or maintained by an Acceding State, which are attached to, or operating with, any of the armed forces of the Dominion.

2. Naval, military and air force works, administration of cantonment areas.

3. Arms; fire-arms; ammunition.

4. Explosives.

B. External Affairs.

1. External affairs; the implementing of treaties and agreements with other countries; extradition, including the surrender of criminals and accused persons to parts of His Majesty's dominions outside India.

2. Admission into, and emigration and expulsion from, India, including in relation thereto the regulation of the movements in India of persons who are not British subjects domiciled in India or subjects of any acceding State; pilgrimages to places beyond India.

3. Naturalisation.

C. Communications.

1. Posts and telegraphs, including telephones, wireless, broadcasting, and other like forms of communication.

2. Federal railways; the regulation of all railways other than minor railways in respect of safety, maximum and minimum rates and fares, station and service terminal charges, interchange of traffic and the responsibility of railway administrations as carriers of goods and passengers; the regulation of minor railways in respect of safety and the responsibility of the administrations of such railways as carriers of goods and passengers.

3. Maritime shipping and navigation, including shipping and navigation on tidal waters; Admiralty jurisdiction.

4. Port quarantine.

5. Major ports, that is to say, the declaration and delimitation of such ports, and the constitution and powers of Port Authorities therein.

6. Aircraft and air navigation; the provision of aerodromes; regulation and organisation of air traffic and of aerodromes.

7. Lighthouses, including lightships, beacons and other provisions for the safety of shipping and aircraft.

8. Carriage of passengers and goods by sea or by air.

9. Extension of the powers and jurisdiction of members of the police force belonging to any unit to railway area outside that unit.

D. Ancillary.

1. Elections to the Dominion Legislature, subject to the provisions of the Act and of any Order made thereunder.

2. Offences against laws with respect to any of the aforesaid matters.

3. Inquiries and statistics for the purposes of any of the aforesaid matters.

4. Jurisdiction and powers of all courts with respect to any of the aforesaid matters but, except with the consent of the Ruler of the Acceding State, not so as to confer any jurisdiction or powers upon any courts other than courts ordinarily exercising jurisdiction in or in relation to that State.

WD 879—GPB—100—10-12-47